IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 26106 of 2006(G)

PETITIONER:

SOMAN, AGED 46 YEARS,
S/O.SWAMIKKANNU NADAR, AMUKKARAKKAI VILA VEEDU,
MURIYANKARA, PARASSALA P.O., NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM DIST.

BY ADV. SRI.M.RAMACHANDRAN NAIR
SRI.R.T.PRADEEP
SRI.C.A.NANDAKUMAR

RESPONDENTS:

1. THE SECRETARY, GRAMA PANCHAYATH,
PARASSALA.

2. KERALA STATE POLLUTION CONTROL BOARD,
REPRESENTED BY ITS SECRETARY.

3. THE APPELLATE AUTHORITY,
AIR (PREVENTION AND CONTROL OF POLLUTION)
THIRUVANANTHAPURAM.

4. ENVIRONMENTAL ENGINEER,
DISTRICT OFFICE, KERALA STATE POLUTION CONTROL
BOARD, SASTHAMANGALAM PO, THIRUVANANTHAPURAM.

5. NAGAMANI, SIBIN NIVAS,
AMUKKARAKKALVILA, MURIYANKARA, PARASSALA P.O.

R2 & R4 BY ADV. SRI.JAMES KURIAN, SC,POLLUTION C.BOARD
R5 BY ADV. SRI.M.RAMESH CHANDER
R1 BY ADV. SRI.M.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26106 OF 2006

Dated this the 24th day of January, 2007

JUDGMENT

The Standing Counsel for the Pollution Control Board has filed a statement on 10.01.2007 pursuant to this Court's order dt.4.12.06. It is stated therein that the shed which was being used by the petitioner for storing hen's excreta was found demolished and that no excreta was found stored in the compound at the time of inspection. It is also stated that presently no facilities were seen provided in the unit for storing hen's excreta along with used deep litter. It is also stated that the petitioner's wife informed the officials of the Pollution Control Board that the deep litter containing hen's excreta will be removed and immediately sold directly from the poultry shed after selling all the hens.

I have heard the learned counsel who appear for the various parties including the Standing Counsel of the Pollution Control Board. Ext.P8 appeal has been preferred by the petitioner against the refusal of consent by the Pollution Control Board in the light of the facts stated in the statement dt.10.1.07. I find that the petitioner has made out a fairly strong case for the grant of the appeal. Under these circumstances, the continuances of proceedings before the Lok Ayukta will not be justified. Exts.P10 and P12 and all proceedings presently pending before the Lok

Ayukta pursuant to complaint Ext.P9 are quashed. Ext.P12 issued by the Panchayat will also stand quashed. The appellate authority under the Air Prevention and Control of Pollution Act 1981(Act 14 of 1981) before whom Ext.P8 appeal is pending will implead the 5th respondent on an application filed by him as an additional party in Ext.P8 and dispose of Ext.P8 after hearing all the parties in accordance with law. The status quo obtaining as regards the conduct of chicken farm as obtaining to day will be permitted to continue till Ext.P8 is disposed of.

PIUS C. KURIAKOSE, JUDGE

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